

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

ROBERT W. FRAZIER,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00717

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**JUDGMENT ORDER**

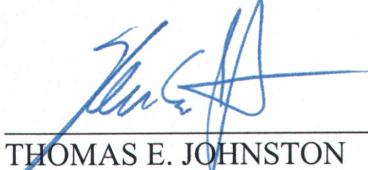
In this action Plaintiff seeks review of the Commissioner of Social Security's ("Commissioner") final decision denying his application for Social Security benefits. On September 18, 2006, this matter was referred to the Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge VanDervort filed his PF&R on August 29, 2007 [Docket 11]. In that filing, the magistrate judge recommended that this Court deny Plaintiff's Motion for Summary Judgment [Docket 7], grant the Commissioner's Motion for Judgment on the Pleadings [Docket 9], and dismiss this action from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due

by September 17, 2006, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ACCEPTS** the recommendation of the magistrate judge, **DENIES** Plaintiff's Motion for Summary Judgment [Docket 7], **GRANTS** the Commissioner's Motion for Judgment on the Pleadings [Docket 9], and **DISMISSES** this action from the Court's docket. The Court **DIRECTS** the Clerk to send a certified copy of this Judgment Order to counsel of record and any unrepresented party and a copy to Magistrate Judge VanDervort.

ENTER: September 19, 2007



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE